

Election Procedures Review
Of
Grays Harbor County
State of Washington
2006 General Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. They also added a requirement for the Program to conduct a follow-up visit to verify the county has taken the steps they listed to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Grays Harbor County during the 2006 General Election cycle. Libby Nieland, Elections Program Specialist, represented the Election Certification and Training Program during the review. Vern Spatz, County Auditor, Julie Murphy, Elections Supervisor and other members of the staff participated on behalf of the Grays Harbor County Auditor's Office.

Grays Harbor County assisted the reviewer in thoroughly examining all aspects of the election processes. The county promptly provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Grays Harbor County Auditor's Office approached the review in a spirit of cooperation. The State commends the Grays Harbor County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, by verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide the Grays Harbor County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and suggestions that are intended to assist Grays Harbor County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

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Overview

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The election staff verbally explained tasks the reviewer was unable to observe. Written documentation, office procedures, and county canvassing manuals were reviewed.

Grays Harbor County has 40,000 registered voters distributed among 55 voter precincts and encompasses three legislative districts. All elections are conducted by mail in Grays Harbor County. In addition to the services provided at the Auditor's Office, five staffed ballot drop sites were located throughout the county on Election Day. All five of these sites provided disability access units for voters.

The Grays Harbor County Elections Department is currently staffed by 1.6 full time employees. During elections, staffing is augmented by ten seasonal employees. The staff is organized, knowledgeable, and conscientious. Grays Harbor County is fortunate to have such dedicated staff committed to maintaining the integrity of the election process.

All aspects of elections are conducted in two rooms within the Auditor's Office. Much of the ballot processing, including tabulation, was located in the public vault. Lack of space severely restricts the number of seasonal employees able to work. Voting by mail requires a greater number of office staff, working on multiple processes. Grays Harbor currently has insufficient work space. The staff maintained a high level of ballot security in spite of limited work space.

The current tabulation and election management system has been used by Grays Harbor County for several years. The staff demonstrated proficiency in using the technology at hand.

Written office procedures for the Grays Harbor County Elections Department are detailed, but many procedures implemented in the office are not documented. Developing complete, current, and comprehensive written procedures for the Elections Department is essential for consistency in processes. Written procedures are also a way of documenting compliance with election laws.

Some of the recommendations in this report require relatively minor changes in election procedures. However, because elections are complicated, even minor changes can impact the election process.

The following recommendations and suggestions will improve and enhance the Auditor's election procedures and policies.

Recommendations

The following recommendations indicate areas where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Precinct Boundaries

Not all precincts are compact and contiguous. Montesano Precinct #601 is broken into two completely separate units.

Several precincts follow cartographic section, township, and range lines rather than visible features.

RCW 29A.16.050 states, "(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas. (3)...changes to the boundaries of any precinct shall follow visible, physical feature delineated on the most current maps provided by the United States census bureau."

Recommendation: Montesano Precinct #601 must be made compact and contiguous.

The next time changes are made to Grays Harbor County precincts, visible features should be used to draw precinct boundary lines rather than section, township, and range lines.

Questionnaires to Cities Towns and Districts

The Elections Department did not send questionnaires in 2006 to jurisdictions within the county verifying office and candidate information. A 2005 questionnaire was provided as an example of the form used by Grays Harbor in past years. The 2005 questionnaire correctly provides the required information regarding incumbents, positions, and salaries, as well as instructions to districts regarding how to confirm or correct the information.

WAC 434-215-005 requires, "Prior to April 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.320 and 29A.04.330. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period. Responses should be received prior to May 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period."

Recommendation: The County Auditor must mail questionnaires to the districts each year. The format of the 2005 questionnaire is sufficient for this purpose.

Verification and Confirmation Notices

The current verification and confirmation notices are in the form of postcards with a tear-off return card. Neither the verification nor the confirmation notices used by Grays Harbor County provide prepaid return postage for the voter.

The Elections Department does not send voter confirmation notices to all reasonable addresses on record for the registrant.

The confirmation notices used by Grays Harbor County fail to inform inactive voters that their registration will be cancelled if they do not vote or communicate with the Elections Department through the period of two federal elections after being placed on inactive status.

RCW 29A.08.030 states, “(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information. ... (3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.”

RCW 29A.08.635 states, “The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be canceled.”

Recommendation: Verification and confirmation notices must be sent with return postage prepaid. Upon learning of this requirement, the Grays Harbor County Auditor provided return postage on the confirmation and verification notices.

The Elections Department should send confirmation notices to all known addresses where the voter might reasonably be expected to receive mail.

The confirmation form must inform the recipient that if, after being placed on inactive status, he or she does not respond or vote in one of the next two federal elections, the registration will be canceled.

Verification of Voter's Signature

The Grays Harbor Elections Department contacts voters for whom the signature on the envelope does not match the signature on the voter registration record. If a signature is not verifiable, the voter is requested to return a signed copy of the affidavit accompanied by a photocopy of a driver's license. The letter lacks information that other government or tribal identification is acceptable, and that the identification must display the current signature of the voter. No deadline was given in the letter for returning the information in order to count the ballot.

WAC 434-261-050 states:

(3) If the signature on the oath of an absentee or provisional ballot envelope does not match the signature on the voter registration record, the voter must either:

(a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the new registration form becomes the signature on the voter registration record for the current election and future elections; or

(b) Sign a copy of the affidavit provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter's current signature. The signature on the affidavit must match the signature on the identification, and both of those signatures must match the signature on the ballot envelope. The voter must return the signed affidavit and identification to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or

(c) Sign a copy of the affidavit provided by the auditor in front of two witnesses who attest to the signature. The signature on the affidavit must match the signature on the ballot envelope. The voter must return the signed affidavit to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections.

Recommendation: Voters with unverifiable signatures on the ballot affidavit must be informed of all forms of acceptable identification and all methods for correcting the problem to allow the ballot to be counted. The letter must state that, in order for the ballot to be counted, the provided identification must contain the voter's current signature and be received by the day before certification. The Auditor might consider including a voter registration form with the letter to assist with updating the signature for future elections.

Placement of Measures and Races on Ballot

Measures for local special purpose jurisdictions were printed immediately following state measures on the official and sample ballots as well as in the Notice of Election. Grays Harbor County Elections Policies and Procedures Pro-27 states "Ballot Measures (non countywide) will appear immediately following the offices in its District."

Placement of the County Commissioner race on the ballot was not in accordance with Grays Harbor County Elections Policies and Procedures Pro-27.

WAC 434-230-030 requires, "For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot."

Recommendation: The Grays Harbor Elections Department should follow its written procedures when determining the placement of issues and offices on ballots and notices.

Notification to Non-Partisan Candidates

The Elections Department failed to notify nonpartisan candidates that a primary would not be held for their races.

RCW 29A.52.220(1) mandates, "... if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot."

Recommendation: Nonpartisan candidates must be notified after the last day for withdrawals if no primary will be held for the position for which they have filed. This notification may be by mail, phone or electronically, but must be done as soon as possible.

Notice of Closing Registration

The Notice of Closing Registration for the General Election, published in a timely manner, stated that voter registration files will be closed against "original voter registration as of October 7, 2006 ... voter registration is possible between October 7, 2006 , through October 22, 2006; but persons doing so must register in person in the County Auditor's office." Voter registration was not closed until October 8, 2006, although the Auditor's Office was closed on that date. Registration forms mailed to the Auditor if postmarked no later than October 8, 2006 were valid. The notice failed to define late registration as being open only to those persons not already registered in the state.

RCW 29A.08.140 states:

"The registration files of all precincts shall be closed against transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts.

The county auditor shall give notice of the closing of the precinct files for transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145"

RCW29A.08.145 states, "This section establishes a special procedure which an elector not registered in the state may use to register to vote during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election."

Recommendation: Notices of Closing Registration must state the correct date for closing of registration and define who is qualified to register to vote in the late registration period. The last day to register should be listed, not the last day that the Auditor's Office is open. Even if the Auditor's Office will not be open on that day, voters may mail in a registration form and it will be accepted if it contains a valid postmark prior to the date of closing.

Notice of Assistance

A notice of assistance available to elderly and disabled persons was not published, either separately or with the published Notice of Closing of Registration for the General Election.

RCW 29A.04.220 states, “The county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and disabled persons, and procedures for voting by absentee ballot calculated to reach elderly and disabled persons not later than public notice of the closing of registration for a primary or election.”

Recommendation: Public notice of the availability of registration and voting assistance to elderly and disabled persons must be made no later than 30 days prior to a primary or election. It is possible to include such information with the publication of the notice of closing of voter registration.

Notice of Election

All measures and offices, with candidate names and party affiliations, as applicable, appeared in the published Notice of Election. Addresses for candidates and information on accessibility of polling places were omitted. The County Auditor correctly announced in the Notice of Election that the election was by mail ballot, and stated the location, dates, and times for ballots to be dropped off.

RCW 29A.52.351, requires, “The legal notice must contain the . . . addresses of all officers who have been nominated for an office to be voted upon at that election....”

WAC 434-250-310(3) requires, “In addition to the information required in the notice of election published pursuant to RCW 29A.52.351, a county auditor conducting an election by mail, whether for a single jurisdiction or the entire county, must also state: ... (c) The location where voters may obtain replacement ballots; (d) The amount of postage required on the return envelope; (e) The dates, times and locations of designated deposit sites and sites for voting devices that are accessible to the visually impaired.”

RCW 29A.16.170 requires, “Each county auditor shall include a notice of the accessibility of polling places in the notice of election... ..”

Recommendation: The legal Notice of Election must include the addresses of all candidates to be voted upon at that election.

A notice of vote by mail election must state that no neighborhood polls are open, and the County Auditor’s Office will be open for replacement ballots, provisional ballots, and disability access voting. The amount of postage required on the return envelope and the schedules for access to disability assistance units must also be part of the notice.

Ballot Drop Sites Open on Election Day

The Grays Harbor County Auditor’s Office served as a designated ballot drop site and polling place on Election Day. The front door to the County Courthouse is set up to automatically open each morning. The automatic timer did not unlock the front door at 7:00 a.m. on Election Day, preventing a voter from dropping off his ballot until 7:10 a.m.

WAC 434-250-100(1)(b) states, “Staffed deposit sites must be open from 7:00 a.m. until 8:00 p.m. on the day of the election....”

Recommendation: Office procedures should include the task of ascertaining that the front door of the Grays Harbor County Courthouse is open by 7:00 a.m. on Election Day.

Ballot Request Forms

All election-related forms required by statute were not readily available. Hospital ballot applications and special absentee ballot applications were not available. Use of a regular absentee request form does not fulfill the specific requirements for hospital or special absentee ballot applications.

WAC 434-250-030(3) states, “As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications.”

WAC 434-250-030(4) states, “As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.”

RCW 29A.40.050(1) states, “As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections.”

Recommendation: The Auditor’s Office must have application forms for hospital absentee ballots and special absentee ballots available.

The County Auditor should develop detailed procedures for issuing special absentee ballots, and procedures for processing these ballots if the voter also returns a regular ballot.

Oath of Election Staff

Grays Harbor provided five ballot drop sites at dispersed locations within the county. Each site was staffed by three attendants. The attendants did not sign to an oath.

RCW 434-250-100(1)(a) requires, “Deposit site staff shall subscribe to an oath regarding the discharge of the duties.”

Recommendation: An oath must be signed by the ballot drop site workers.

Auditor’s Office as a Poll Site

While serving as a polling site on Election Day, the Auditor’s Office provided instructions to voters in large type, sample ballots, voters’ pamphlets, and voter registration forms. No HAVA posters were prominently displayed in the front office or next to the disability access unit.

The Grays Harbor County Auditor provided a disability access unit in the Auditor's office for the public's use 18 days prior to the General Election. Because of office space limitations, the screen of the disability access unit was open to view by anyone who stood or passed behind a voter using the unit.

WAC 434-253-025 requires, "The following items must be posted or displayed at each polling place while it is open: ... (2) HAVA voter information poster...."

RCW 29A.44.060 states, "The county auditor shall provide in each polling place . . . voting booths or voting devices . . . within which the voters may cast their votes in secrecy."

RCW 29A.46.020 states, "'Disability access voting period' means the period of time starting twenty days before an election until the day of the election."

Recommendation: The Auditor's Office must display HAVA posters in a highly visible manner in any location serving as a polling place, including the Auditor's Office.

Disability access voting must begin twenty days prior to the election. In spite of limited office space, the disability access unit must be relocated to ensure that the unit is accessible and still provides secrecy in voting.

Provisional Ballots

The disposition of each provisional ballot was posted on the county website following the election, correctly accessible only by each provisional voter. However, no written explanation was provided at the time of voting as to where or how to learn of the disposition of the provisional ballot.

Inactive voters, when applying for a ballot, were issued provisional ballots. The Grays Harbor Election Staff correctly restored such voters to active status.

RCW 29A.44.207 requires, "The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted."

RCW 29A.08.625(1) states, "A voter whose registration has been made inactive under this chapter and who offers to vote at an ensuing election before two federal elections have been held must be allowed to vote a regular ballot and the voter's registration restored to active status."

Recommendation: A free access system not only provides information on the final disposition of a voter's provisional ballot, but supplies written instructions to a voter explaining how to learn if the provisional ballot was or was not counted. A complete informational system must be developed and implemented.

The Elections Department must issue voters who are currently on "inactive" status and who seek to vote a regular ballot.

Delegation of Authority

Although the Grays Harbor County Auditor and staff undertook various duties on behalf of the Canvassing Board, no written delegation by the Grays Harbor County Canvassing Board was on file with the Auditor.

RCW 29A.60.140(2) states, "The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board."

WAC 434-262-015 states, "These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board."

Recommendation: The Grays Harbor County Canvassing Board must delegate tasks to the County Auditor and the Auditor's staff in order for the staff to perform election tasks on the Board's behalf. Delegation must be made before duties are performed. Delegation by the Canvassing Board may be adopted for a single election, or for all elections, but must be retained on file by the County Auditor.

Canvassing Board Manual

The Grays Harbor Canvassing Board has compiled the rules of the Canvassing Board into a manual and makes it available to the public upon request. Many of the rules and references in the manual are out of date. Statutory references and timelines for action are incorrect. For example, the time period for challenging a voter registration to be decided by the Canvassing Board is listed as 30 days or less, while the statute now allows 45 days or less to file a voter registration challenge heard by the Canvassing Board. There is no record that the current rules were adopted by the Grays Harbor County Canvassing Board at a public meeting.

RCW 29A.60.140 (5) requires, "All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW."

Recommendation: The Grays Harbor County Canvassing Board Manual needs to be updated. Although the County Auditor conducts the election in compliance with current statute, some of the rules in the County Canvassing Board Manual are out of date, especially those pertaining to challenges of voter registration and recounting election results. Once updated, the Canvassing Board must adopt the rules at a public meeting. The date of adoption should be included in the manual.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Acknowledgement Forms

Voter registration identification cards still list old polling locations. Grays Harbor County now votes entirely by mail and the use of polling sites, except the Auditor's Office, has been discontinued in favor of county ballot drop sites.

Suggestion: The information printed on the voter registration identification card should be updated to say that the voter's precinct is a vote by mail precinct.

Ballot Design

The response area for a ballot measure overlapped the text of the ballot title on the official ballot.

Suggestion: Layout errors on the ballot example provided to the reviewer appeared to be related to the in-house printing of the ballot. Quality control procedures should require additional employees to proof documents at every stage of the process. The Grays Harbor County Elections Department is minimally staffed, with only two employees dedicated to the department. Staff should be added permanently or temporarily to assist with proofing documents.

Ballot Security

The overall security of ballots at all stages of the election was good. Numbered seals and seal logs were used consistently. Security of ballots during processing was controlled using access logs and a combination of keys physically controlled by the Elections Supervisor and the Elections Deputy. The Grays Harbor County Election Supervisor verbally communicated that it is standard procedure for two employees to be present anytime ballot storage areas are accessed. It was observed that this procedure was not implemented consistently.

Suggestion: The procedure of having two employees present anytime the ballot storage is accessed should be implemented consistently.

Because of office space constraints, the opening of ballot envelopes and the manual inspection of ballots takes place in the Auditor's vault. The Auditor's vault is also the room used to store public records and as such is accessible to the public.

Suggestion: Access to ballot processing areas should be documented. The Grays Harbor Auditor is procuring a modular building dedicated to the Elections Department to provide larger

office space and secure access for ballot processing. This move should be implemented as soon as possible, but no later than prior to the 2007 Primary, to increase ballot security in the next county-wide election.

Ballot Envelopes Referred to the Canvassing Board

Ballots submitted to the Canvassing Board have notes attached explaining why the validity of the ballot has been questioned. No documentation is attached to the ballot or envelope describing the final decision of the Canvassing Board.

Suggestion: The decisions of the Canvassing Board should be documented for each envelope and ballot. This may be done directly on the envelopes or ballot. Additionally, a list by ballot numbers and decisions is very effective and can be included in the meeting minutes. This procedure will assist in reconstructing the decisions of the Canvassing Board in the event of a challenge or recount.

Procedures Manual

A current procedures manual is an invaluable tool for election administration, especially when the Auditor's Office experiences turnover in personnel. The current election procedures document tasks with print screens and detail lists. However, many office procedures are missing or are out of date. There are many areas in election administration that need to be covered, so continuing to expand the manual is important.

Suggestion: The following should improve the procedures manual:

1. Include all parts of election and voter registration administration, including the disability access units.
2. Ensure that procedures document the actual practices of the Auditor's Office. It appears that the procedures in the manual have been copied from another county. While there is nothing wrong with borrowing another county's procedures, especially when both counties use the same technology, the text should be altered to accurately describe the procedures used in Grays Harbor County.
3. Update the procedures to reflect current law. One of the most difficult tasks is keeping written procedures up to date with changes in law or rule, and changes in actual practice. The reviewer suggests an annual review of all written procedures to ensure they are kept current.

Records Retention

The Auditor currently retains election and voter registration materials longer than the period required by the election retention schedule.

Suggestion: Election materials should be disposed of as soon as the retention period has expired. Disposing of the materials as soon as allowable will save the county storage space and employee time.

Poll Workers Requested from the Political Parties

The County Auditor does not maintain a list of election workers provided by the major political parties under RCW 29A.44.430, because the County votes entirely by mail.

Suggestion: An abbreviated list of election workers should still be provided by the major political parties each year. This list will act as a source for staffing ballot drop sites and other functions where party representation is desirable.

Ballot Drop Site Supplies

The Grays Harbor County Auditor's Office is commended for the location and accessibility of its ballot drop sites, and for staffing the sites with knowledgeable attendants. However, supplies issued to ballot drop sites included items intended for use only in the 2006 Primary. The additional items tended to confuse the site attendants. Additionally, ballot drop site supplies could include voter registration forms, information on how to obtain a replacement ballot, and signs to direct voters into the building. Providing these items would help voters.

Suggestion: Verify that the supplies sent to the ballot drop sites are those intended for use in the election. The Auditor should add voter registration forms, information on obtaining replacement ballots, and street side directional signs to the supplies issued to ballot drop sites.

Disability Access Units at Ballot Drop Sites

Grays Harbor County Auditor's Office provided five AutoMARKs disability access units on Election Day at various ballot drop sites. The election workers at the Ocean Shores drop site were uncertain whether a disability unit was to be set up there. It was two hours after the drop site opened before the AutoMARK was made available to voters.

A voter, wishing to use the disability access unit at the Hoquiam ballot drop site, was unable to do so when the machine failed to read the ballot. Election workers inadvertently marred the ballot barcodes by implementing a process intended for use only in the 2006 Primary. The voter was able to vote independently by manually marking the ballot.

Suggestion: When a disability access unit is to be located at a ballot drop site, the attendants should be trained on how to set up the device and written instructions should be included with the drop site supplies. Standard written instructions for setting up and assisting voters on a disability access unit should accompany the ballot drop location supplies.

Any special instructions or tools that are specific to only one election should be clearly emphasized as being used for a single election. They should also be physically removed from the supply kits immediately following the election to which they pertain.

Application for Ballot to Inactive Voters

Forty-five days before the General Election, the County Auditor mailed each inactive voter an application for a ballot.

Suggestion: The Auditor is in full compliance with the statutory requirement to mail an application for a ballot to each inactive voter no later than eighteen days before the election or primary. However, the voter is better served if the application is received closer to the date of the election. Sending the application after the registration period has closed will result in more current mailing information.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Grays Harbor County Canvassing Board in March 2007. In accordance with WAC 434-260-145, we provided Grays Harbor County 10 days to respond, in writing, to recommendations listed in the draft report.

The Grays Harbor County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.

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OFFICE OF THE
SECRETARY OF STATE

County's Response to Draft Review Report

The Election Certification Program issued a Draft Review Report to the Grays Harbor County Canvassing Board in March of 2007. The report was based on a review by the Secretary of State's office of the November, 2006 election

The response to the recommendations contained in the Draft Review Report follows:

Precinct Boundaries

Currently all precincts are, as nearly as practicable, contiguous and compact. However, precinct 601 does have a small area that is not contiguous, a city owned cemetery that has no living residents. We will merge it with the surrounding county precinct.

Questionnaires to Cities Towns and Districts

The recommendation and subsequent explanation by the reviewer stated questionnaires should have been sent out all jurisdictions in the county whether or not they have offices up for election that year. Since in 2006, no elections were held for cities, towns, or other special districts no questionnaire was sent.

Sending questionnaires about elected officials of cities, towns, and other special districts in years they are not scheduled for elections is bureaucratic nonsense that only adds to the cost of elections to the citizens and is a waste of taxpayer money. It is also a misinterpretation of the requirements of WAC 434-215-005.

We disagree with this recommendation but will comply.

Verification and Confirmation Notices

Confirmation notices and postage pre-paid envelopes were ordered during the review.

Regarding the second point, confirmation notices were indeed sent to the voters mailing address at an address we felt could "reasonably expect mail to be delivered". Since many cities and towns in our county *do not deliver mail to street/situs addresses*, but only to post office boxes, we do not mail notices to those addresses. We don't "reasonably expect mail to be delivered" to street addresses in cities that only deliver mail to post office boxes.

We disagree with this recommendation.

Verification of Voter's Signature

The WAC cited, only requires notification by first class mail of the correct procedures for curing the "defective" signature. The WAC doesn't stipulate what must be in the notification. Although we disagree with the reviewer's interpretation of this citation, we feel the information will be helpful to the voter. We will change the wording of our notification.

Placement of Measures and Races on Ballot

The actual order and placement of measures on our ballots was different than noted in a written procedure. We will ensure they are the same.

Notification to Non-Partisan Candidates

This comment is off point. Notifications were made in 2006 to all non-partisan candidates; done at the time of filing, not after the date of final withdrawal. In the future we will wait until sometime after the date of final withdrawal to notify candidates if they will not appear on the primary.

Notification of Closing Registration

The closing notice did use the date of Saturday the 7th instead of Sunday the 8th - in error. We will monitor this in the future.

Notice of Assistance

Availability of assistance to our voters will be noted in the future in our notice of closing.

Notice of Election

We agree the addresses of candidates were not included in this notice for the election under review but should have been.

Ballot Drop Sites Open on Election Day

Doors at the county Admin building unlock electronically at a pre-set time each morning. The doors will be checked by staff in the future as part of their opening routine on election morning.

Ballot Request Forms

We are a mail ballot county so all registered voters are automatically included in our mailing. The ballot is re-mailed to whatever addresses the voter requests, if it is returned. The process for hospitalized voters to request an "absentee" ballot does not appear to apply to mail ballot counties because mail ballot counties no longer have "absentee" ballots.

We disagree with this recommendation but will comply.

Oath of Election Staff

The statement that the election workers did not sign an oath is incorrect. Our election workers did in fact sign an oath, although not a current one. We will ensure the proper oath is provided in the future and have all election workers continue to sign an oath.

We disagree with this recommendation but will comply.

Auditor's Office as a Poll Site

HAVA posters have been ordered and will be posted for all future elections. The disability access unit will be relocated to a new elections building once it is completed.

Provisional Ballots

The Auditor's office will include instructions on how to ascertain whether or not their ballot was counted with each provisional ballot.

Delegation of Authority

The Canvass Board will sign a Delegation of Authority form at the beginning of each year.

Canvassing Board Manual

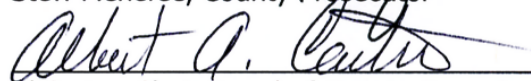
We will develop a Canvassing Board Manual.

Thank you for the opportunity to comment on your recommendations arising from the review of our elections department. Although we disagree with some of the recommendations, we feel the review was very worthwhile to achieve consistency of elections administration throughout the state.

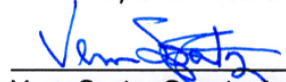
Submitted by the Canvass Board and Elections Supervisor of Grays Harbor County on March 26, 2007.



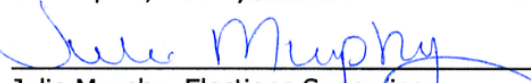
Stew Menefee, County Prosecutor



Al Carter, Chair Board of County Commissioners



Vern Spatz, County Auditor



Julie Murphy, Elections Supervisor

Conclusion

The Grays Harbor County Auditor's Office should be commended for its management of elections, especially in the light of limited staffing and confined office space. The organization and dedication of the staff to the integrity of the elections process is evident.

The Auditor has continued to improve ballot security by funding a move of the Elections Department to a modular building. Security will be improved by locating ballot processing in an area with restricted access. The design plan of the module will allow for public viewing without compromising the high level of security. Hopefully, the expansion of office space will be completed before the next county-wide election.

The County Auditor should address the lack of comprehensive written procedures for the office prior to conducting another election. The development of procedures could be accelerated by adopting procedures used by another county with similar voting systems.

It is commendable that the Grays Harbor County Auditor provides so many staffed ballot drop sites throughout the county. The distribution of disability access units at many of the ballot drop sites is a sign of the high value placed on service to voters by the Elections Department.

The County Canvassing Board, in conjunction with the Elections Department, should make the adoption of a current Canvassing Board manual a top priority. It is crucial to documenting compliance with election laws. The public adoption of this manual is required by law.

The organization and dedication of the staff to the integrity of the elections process is evident. The reviewer made a series of recommendations and suggestions for consideration by the Grays Harbor Auditor and County Canvassing Board. These are meant to enhance and improve the Grays Harbor County election procedures.

Review Report Prepared by:

Libby Nieland
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Office of the Secretary of State

Date: April 6, 2007

Signature: 